

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMAAL RUSS

Plaintiff,

-against-

DARRELL CHAVERS,

Defendant.
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**LOCAL RULE 56.2 NOTICE
TO PRO SE LITIGANT WHO
OPPOSES A MOTION FOR
SUMMARY JUDGMENT**

10 CV 1370 (SLT)(JO)

PLEASE TAKE NOTICE that defendant Detective Darrell Chavers has moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This means that defendant has asked the Court to decide this case without a trial, based on written materials, including affidavits, submitted in support of the motion. **THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION** by filing your own sworn affidavits or other papers as required by Rule 56(e). An affidavit is a sworn statement of fact based on personal knowledge that would be admissible in evidence at trial. The full text of Rule 56 is attached.

In short, Rule 56 provides that you may NOT oppose summary judgment simply by relying upon the allegations in your Complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising issues of fact for trial. Any witness statements, which may include your own statements, must be in the form of affidavits. You may submit affidavits that were prepared specifically in response to defendant's motion for summary judgment.

Any issue of fact that you wish to raise in opposition to the motion for summary judgment must be supported by affidavits or by other documentary evidence contradicting the

facts asserted by the defendant. If you do not respond to the motion for summary judgment on time with affidavits or documentary evidence contradicting the facts asserted by the defendant, the court may accept defendant's factual assertions as true. Judgment may then be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the Pro Se Office.

Dated: New York, New York
July 11, 2012

Michael A. Cardozo
Corporation Counsel of the
City of New York
Attorney for Defendant Detective Darrell Chavers
100 Church Street, Rm 3-158c
New York, New York 10007
(212) 442-2359

By:



Joshua J. Lax
Special Assistant Corporation Counsel

TO: BY MAIL
Jamaal Russ
Plaintiff Pro Se
5812 Summer Glen Lane
Apt. #2
College Park, GA 30349